

**Introduced by Senator Battin**

February 16, 2005

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An act to add Article 6 (commencing with Section 1363.910) to Chapter 4 of Title 6 of Part 4 of Division 2 of the Civil Code, relating to common interest developments.

LEGISLATIVE COUNSEL'S DIGEST

SB 304, as introduced, Battin. Common interest developments: ombudsman.

The Davis-Stirling Common Interest Development Act requires the association that manages a development to provide a fair, reasonable, and expeditious procedure for resolving disputes between the association and members of the association involving their rights, duties, or liabilities under the act. The act also requires an association or an owner of a separate interest or a member of an association to endeavor to submit their dispute to alternative dispute resolution before they file certain enforcement actions in the superior court.

This bill would establish the position of Common Interest Development Ombudsman in the Department of Consumer Affairs, to be designated by the Governor, to provide assistance in taking complaints, and helping to resolve and coordinate the resolution of those complaints, from any member of an association or owner of a separate interest against an association, or from an association against any member or owner of a separate interest. The bill would require the ombudsman to establish procedures to deal with complaints, including the publication of complaint forms and written materials that shall be made available to the public informing them of the functions of the ombudsman and providing information on common interest developments.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Article 6 (commencing with Section 1363.910)  
2 is added to Chapter 4 of Title 6 of Part 4 of Division 2 of the  
3 Civil Code, to read:

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5 Article 6. Common Interest Development Ombudsman  
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7 1363.910. (a) The position of Common Interest Development  
8 Ombudsman is hereby established in the Department of  
9 Consumer Affairs.

10 (b) Except as provided in subdivision (c), the ombudsman  
11 shall provide assistance in taking complaints, and helping to  
12 resolve and coordinate the resolution of those complaints, from  
13 any member of an association or owner of a separate interest  
14 against an association, or from an association against any  
15 member or owner of a separate interest.

16 (c) The ombudsman shall not provide legal advice on the  
17 Davis-Stirling Common Interest Development Act (Title 6  
18 (commencing with Section 1350)), but may provide information  
19 on matters addressed by the act.

20 (d) The ombudsman shall refer any alleged violations of law to  
21 the district attorney for investigation.

22 1363.920. The Governor shall designate a deputy director in  
23 the Department of Consumer Affairs to serve as the Common  
24 Interest Development Ombudsman.

25 1363.930. The ombudsman shall establish procedures to deal  
26 with complaints, including the publication of complaint forms  
27 and written materials that shall be made available to the public,  
28 informing them of the functions of the ombudsman and providing  
29 information on common interest developments. The ombudsman  
30 shall work with, and coordinate his or her efforts with, other  
31 divisions and sections of the department and with other agencies  
32 of state and local government.

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